

AN ORDINANCE RELATING TO THE USE OF NATURAL LANDS OWNED BY SEMINOLE COUNTY; PROVIDING FOR LEGISLATIVE INTENT AND PURPOSE; PROVIDING FOR LIABILITY RELATIVE TO THE USE OF THE PROPERTY; PROVIDING FOR DEFINITIONS; PROVIDING FOR HOURS OF USE; PROVIDING FOR PERMITTED USES ON NATURAL LANDS; PROVIDING CERTAIN POWERS TO THE COUNTY MANAGER OR HIS OR HER DESIGNEE; PROVIDING FOR MASTER PLANS; PROVIDING REGULATIONS RELATING TO USE PERTAINING TO FISHING, CAMPING, HIKING, HORSEBACK RIDING, BICYCLING, HUNTING, TRAPPING, PETS, SWIMMING, PLANTS, ANIMALS, ARCHEOLOGICAL AND CULTURAL RESOURCES; WASTE DISPOSAL, DESTRUCTION OF AND UNAUTHORIZED FACILITIES AND EQUIPMENT, FIREARMS AND OTHER DANGEROUS INSTRUMENTS, POSTING OR DISTRIBUTING HANDBILLS OR ADVERTISING MATERIAL, FIRES, BOATING AND CANOEING, MOTORIZED VEHICLES, PUBLIC NUISANCES AND DISTURBANCES, ALCOHOLIC BEVERAGES, CONCESSIONS AND SALES, AND OTHER USES; PROVIDING FOR PERMITTING CONCESSIONS ON NATURAL LANDS; PROVIDING FOR SPECIAL AUTHORIZATION PERMITS; PROVIDING FOR THE LEASE OF NATURAL LANDS; PROVIDING FOR EASEMENTS; PROVIDING FOR USE OF REVENUES; PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Economic Impact Statement required by the Seminole County Home Rule Charter has been appropriately prepared and made available for public review,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

SECTION 1. LEGISLATIVE INTENT/USE OF NATURAL LANDS BY THE PUBLIC.

(a) The purpose of this Ordinance is to establish regulatory provisions relating to the management and use of properties acquired or managed through the Seminole County Natural Lands Program. The purchase of Natural Lands was approved by the voters of Seminole County in November, 1990 by means of their affirmative

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vote for a \$20 million bond referendum. The Natural Lands Program has also participated in joint projects which may have resulted in the County not taking title to parcels, but, instead, has accepted management or other responsibilities. The County desires to preserve and manage these environmentally sensitive areas for their ecological value and the enjoyment of present and future citizens.

(b) Seminole County does not, by providing any of its Natural Lands for outdoor recreational purposes, extend any assurance that such areas or lands are safe for any purpose. The County will attempt to post known hazardous conditions. Users of Natural Lands take upon themselves the risks inherent in using undeveloped natural properties and the resulting and proximate events and conditions arising from the use of these wild and scenic lands.

SECTION 2. DEFINITIONS. The following terms are provided with the following meanings for the purposes of this Ordinance:

(a) Exotic Species.

(1) A species of plant as defined by Rule 14-40.002, Florida Administrative Code, and as defined by Rule 62-312.310, Florida Administrative Code.

(2) A species of animal not native to the area it is found in.

(b) Motor Vehicle. Any self-propelled vehicle as defined in Section 316.003(75), Florida Statutes, not operated upon roads or a guideway, but not including a bicycle.

(c) Natural Lands. Properties purchased or otherwise acquired or managed under Seminole County's Natural Lands Program.

Said properties shall be described in a resolution adopted by the Board of County Commissioners which may be amended from time-to-time as the Natural Lands inventory changes.

(d) Passive Recreation. Non-Consumptive recreation which focuses upon and is exclusively based on the natural resources present on a parcel of property which is accomplished with little or no impact to the resources. Authorized passive recreation uses are determined by the County in accordance with Section 4 of this Ordinance

(e) Public Nuisance. Any condition or act which tends to injure or unreasonably annoy the community or injures the health, safety, or welfare of the citizens in general whether or not contemplated or not by Chapter 823, Florida Statutes, or any other statutory provision.

(f) Restoration. To return back to a natural or preexisting condition.

(g) Special Authorization Permit. Written permission granted by the County to an individual or any group of individuals associated with an organization such as a church, school, club or scout troop to partake in an activity on Natural Lands.

(h) Structure. Anything constructed or installed, regardless of whether it is fixed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes either temporarily or permanently. Structure also includes fences,

billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

SECTION 3. HOURS OF OPERATION; ACCESS TO AND CLOSURE OF NATURAL LANDS.

(a) Natural Lands areas will be open each day from the period between sunrise and sunset unless posted otherwise. It is unlawful to access Natural Lands at an unauthorized time.

(b) Natural Lands may be accessed only at County designated access points at permitted times. It is unlawful to access Natural Lands at any place other than an access point posted for access.

(c) Natural Lands may be accessed only by permitted means. Unless posted for vehicular access it is unlawful to access Natural Lands by means of any motor vehicle or any other vehicle or to otherwise access Natural Lands by a means that is not posted for authorized access.

(d) Natural Lands may be closed for specific uses or all public use by the County Manager or his or her designee during any emergency conditions such as floods, severe weather, wildfire, prescribed burning, and during any land management or maintenance activity which may pose a threat to the public well being or when necessary to protect the natural economic functions of said lands.

(e) Natural Lands may be closed to the general public by the County Manager or his or her designee during research, study, surveying, tourist development, or data collection events or activities.

(f) The County shall provide notice, whenever practicable, of closings by posting signs at affected Natural Lands access points.

SECTION 4. PERMITTED USES ON NATURAL LANDS.

(a) The County shall, by resolution, promulgate a list of acceptable uses on each Natural Lands parcel. The promulgated list of uses shall be based on the master plan relating to the particular Natural Lands parcel which will address resource inventory, management philosophy and human use potential. Consideration of the following issues will be integrated into the Management and Use Plan:

- (1) Physical and biological components of the Natural Lands area.
- (2) Historical and recent land use.
- (3) Local and regional significance of the land.
- (4) Protection of natural resources.
- (5) Need for habitat restoration.
- (6) Use of prescribed burning.
- (7) Security requirements.
- (8) Relationship to adjacent land uses.
- (9) Access.
- (10) Environmentally acceptable opportunities to generate revenue to offset management expenses.
- (11) Management and control of exotic species.
- (12) Permanent concessions.
- (13) Potential and demand for passive recreation uses.
- (14) Ability to lease lands to generate management revenues without disrupting natural systems or impacting recreational values.

(15) Potential use of caretakers for the beneficial and convenient management of lands.

(16) Availability of the land for non-structural stormwater management functions.

(17) Use by persons with disabilities.

(18) Other functions that can be served by the parcel.

(b) Prior to the promulgation and adoption of a list of permittable uses by the County, Natural Lands may be made available for limited public access by the County's Comprehensive Planning Manager for the following purposes:

(1) Public assistance in assessing the lands for passive recreational use.

(2) Resource inventory or restoration.

(3) A special authorization permit issued in accordance with Section 7 of this Ordinance.

SECTION 5. GENERAL PROVISIONS RELATING TO USE OF NATURAL LANDS.

(a) The following provisions relate to all Natural Lands parcels:

(1) Fishing. Recreational fishing is allowed on Natural Lands unless restricted by signs and provided the appropriate permits from the Florida Game and Fresh Water Fish Commission are in possession of the user. It is unlawful to fish on Natural Lands for commercial purposes or to fish in an area at which a sign indicates that fishing is prohibited or to fish in a manner inconsistent with fishing restrictions set forth on a sign.

(2) Hiking. Hiking is allowed only on designated trails in Natural Lands except where restricted by signs. It is unlawful to hike on Natural Lands in an area at which a sign indicates that hiking is prohibited.

(3) Camping. Camping is allowed only at designated campsites and only in accordance with a Special Authorization Permit. It is unlawful to camp on Natural Lands in an area which is not posted as being authorized for camping.

(4) Horseback Riding. Horseback riding is allowed on Natural Lands on designated horse or multi-use trails only. It is unlawful to ride horses on Natural Lands unless a sign indicates that horseback riding is permitted in the area or a Special Authorization Permit has been issued to do so.

(5) Bicycling. Bicycle riding is allowed on Natural Lands on designated bike and multi-use trails only. It is unlawful to ride bicycles on Natural Lands unless a sign indicates that bicycling is permitted in the area.

(6) Hunting and Trapping. It is unlawful to hunt for game or non-game animals, as defined in Section 372.001, Florida Statutes, or trap game or non-game animals on Natural Lands except when authorized by a special authorization permit for County initiated wildlife management purposes.

(7) Pets. Domestic animals are allowed on Natural Lands provided they are leashed at all times. It is unlawful to possess a domestic animal on Natural Lands without a leash being affixed to the animal and for the animal to be under the control of the

Natural Lands user. It is unlawful for the person who has control over a pet to fail to immediately remove and dispose of animal wastes deposited by the pet on Natural Lands. Disposal of waste shall occur by placing the waste in designated waste containers.

(8) Swimming. It is unlawful to swim on Natural Lands except when an area is designated by signs to be a swimming area.

(9) Plants and Animals Removal or Disturbance. All plants and animals on Natural Lands are protected. It is unlawful to remove or destroy plants or to remove, destroy or harass animals except when authorized by a special authorization permit or for County initiated programs such as exotic species control, habitat restoration and other land management activities.

(10) Archeological and Cultural Resources. All cultural and archeological resources on Natural Lands are protected. It is unlawful to remove, alter or destroy such resources except when authorized by a special authorization permit.

(11) Waste Disposal. It is unlawful to dump or dispose of litter, as defined by Section 403.413(2)(a), Florida Statutes, or discharge waste or any hazardous substance on Natural Lands except in designated waste disposal containers.

(12) Destruction of Facilities and Equipment. It is unlawful to damage, destroy, remove or disturb any County facilities or equipment on Natural Lands.

(13) Firearms. It is unlawful to possess or use a firearm, as defined by Section 790.001(6), Florida Statutes, a concealed weapon whether concealed or not, as defined by Section

790.001(3), Florida Statutes; a destructive device, as defined by Section 790.001(4), Florida Statutes; an explosive, as defined by Section 790.001(5), Florida Statutes; fireworks, as defined by Section 791.01, Florida Statutes; on Natural Lands unless authorized by a special authorization permit or for County initiated land management activities. This provision shall not make it unlawful for a person to carry a concealed weapon or firearm when in possession of a license to do so in accordance with Section 790.06, Florida Statutes, and in a manner authorized by law; to possess a firearm, weapon, ammunition and supplies for lawful purposes when a person is engaged in fishing, camping or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition; or to possess a firearm, weapon, ammunition and supplies for lawful purposes when a person is traveling by private conveyance and has securely encased the firearm, weapon, ammunition and supplies or is traveling in a public conveyance when the firearm, weapon, ammunition and supplies are securely encased and not in the person's manual possession.

(14) Posting or Distributing Handbills or Advertising Material. It is unlawful to circulate, distribute, post, place or erect any handbills, circulars, notices, papers, advertisements, or signs on Natural Lands except when authorized by a special authorization permit or when County initiated notices are placed or posted.

(15) Fires. It is unlawful to ignite or maintain any fire on Natural Lands except for County initiated controlled burns,

camp fires in permitted and designated camp areas, or when authorized by a special authorization permit.

(16) Boating and Canoeing. Launching of boats or canoes into waters contained within or through Natural Lands or from Natural Lands is permitted only at designated boat ramps or launch sites or by special authorization permit. It is unlawful to launch or operate boats on or from Natural Lands where not permitted.

(17) Introduction of Plants and Animals. It is unlawful to plant or deposit any plant, seed or animal upon Natural Lands unless permitted by the County or when accomplished as part of land management activities.

(18) Use of Vehicles. It is unlawful to possess or operate a motor vehicle or any other vehicle on Natural Lands outside of designated parking areas unless authorized by special authorization permit or while engaged in County initiated land management activities.

(19) Public Nuisance/Disturbances. It is unlawful to engage in or create a public nuisance or disturbance on Natural Lands.

(20) Alcoholic Beverages. It is unlawful to possess or consume alcoholic beverages, as defined in Section 561.01(4), Florida Statutes, on Natural Lands except when allowed by a special authorization permit.

(21) Concessions and Sales. It is unlawful to sell anything of value or operate concessions on Natural Lands without

written approval from the County in accordance with the provisions of this Ordinance.

(22) Unauthorized Facilities or Structures. It is unlawful to construct or erect any facility or structure on Natural Lands unless authorized by a special authorization permit or as part of a County initiated land management activity.

(b) Other Uses. All uses of Natural Lands not specifically addressed in this Ordinance are prohibited unless permission is granted through a special authorization permit or consistent with the authorized uses promulgated by the County Manager or his or her designee after development of a master plan for the particular Natural Lands parcel.

(c) Fees. The County, by resolution, shall establish a fee schedule relating to the various permitted uses of Natural Lands

SECTION 6. CONCESSIONS ON NATURAL LANDS.

(a) Citizens and groups may propose to locate concessions on Natural Lands and such proposals will be considered under the following guidelines:

(1) The concession must assist the County in providing public uses of Natural Lands.

(2) The concession must be open to the public.

(3) The concession must be economically feasible.

(4) The concession must not result in unfair advantage over existing local businesses that provide similar goods or services.

(5) The concession must be in the public interest and have no adverse impact to natural resources.

(6) The concession must be in compliance with all laws, rules and regulations.

(b) The Board of County Commissioners shall determine whether or not to permit particular concessions on Natural Lands.

SECTION 7. SPECIAL AUTHORIZATION PERMITS. Any person may apply for a special authorization permit issued by the County Comprehensive Planning Manager or his or her designee to conduct activities not specifically permitted by this Ordinance or set forth in the list of approved uses promulgated by the County. In issuing a Special Authorization Permit, the Comprehensive Planning Manager shall require that the activity is consistent with and furthers the adopted management plan and legislative intent of this Ordinance.

SECTION 8. EASEMENTS.

(a) Any request for an easement over Natural Lands will be considered by the Comprehensive Planning Manager or his or her designee in view of the following principles:

(1) The use of Natural Lands for utility or similar easements of a structural nature is not encouraged.

(2) An analysis must be provided to the County by the person or agency requesting the easement demonstrating why the easement cannot be located in such a manner as to avoid Natural Lands.

(3) To the maximum extent possible the easement shall be placed within an existing right-of-way, easement, roadway, fireline or along the Natural Lands boundary.

(4) The proposed easement must not fragment wetland or other functional habitat.

(5) The County must be fully compensated for the loss of intended use of the land within the proposed easement.

(6) The easement of use must further the public interest.

(b) All proposed grants of easements over Natural Lands shall be submitted to and considered for approval by the Board of County Commissioners.

SECTION 9. REVENUES GENERATED FROM NATURAL LANDS/REPORTS.

(a) All revenues generated from the use of Natural Lands shall be used to offset land management expenses relating to the Natural Lands program to the maximum extent practicable.

(b) The Comprehensive Planning Manager shall issue an annual report relating to all elements set forth in this Ordinance with regard to the operations of the Natural Lands Program.

SECTION 10. PENALTIES. Any person who violates any provision of this Ordinance may be punished in accordance with Section 125.69, Florida Statutes.

SECTION 11. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section," "article," or other

appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 11, 12, and 13 shall not be codified.

SECTION 12. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 13. EFFECTIVE DATE. This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 10th day of March, 19 98.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: 
RANDALL C. MORRIS, Chairman

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